

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CHARLES CHAMBRAY,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-15-620-F
)	
GARFIELD COUNTY JAIL;)	
JENNIFER NILES, Sheriff)	
and Jail Administer,)	
)	
Defendants.)	

ORDER

On July 10, 2015, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation, wherein she recommended that plaintiff's action against defendants under 42 U.S.C. § 1983 be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim against defendants upon which relief may be granted.

In the Report and Recommendation, Magistrate Judge Mitchell advised plaintiff of his right to file an objection on or before July 30, 2015 and further advised that failure to file a timely objection waives the right to appellate review of both the factual and legal issues therein contained.

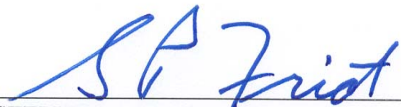
To date, the court has not received an objection to the Report and Recommendation. However, on July 29, 2015, the court received a letter, dated July 28, 2015, from Jessica McMullen stating that she, as representative for plaintiff, wished to request to file "an amendment to the law suit." Doc. no. 9. Ms. McMullen advised that plaintiff wished to change the defendants to an unknown medical representative and a nursing representative named Vanessa Gay.

Upon review, the court declines to consider the letter filed by Ms. McCullen. Under 28 U.S.C. § 1654, a party may only plead and conduct his case personally or by counsel. Ms. McCullen has not indicated that she is an attorney. *See, Meeker v. Kercher*, 782 F.2d 153, 154 (10th Cir. 1986) (civil party cannot be represented by nonattorney). Moreover, the court does not rule on a request contained in a letter. A party must submit a motion or other pleading conforming to this court's Local Civil Rules and the Federal Rules of Civil Procedure. *See, Green v. Dorrell*, 969 F.2d 915, 917 (10th Cir. 1992). Plaintiff's *pro se* status does not exempt him from these requirements.

As plaintiff has neither filed an objection to the Report and Recommendation nor filed a motion seeking an extension of time to file an objection within the time stated by Magistrate Judge Mitchell, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of United States Magistrate Judge Suzanne Mitchell issued July 10, 2015 (doc. no. 8) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Plaintiff's action against defendants pursuant to 42 U.S.C. § 1983 is dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted. Judgment shall issue forthwith.

DATED August 17, 2015.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE